

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Stephen M. Haase

SUBJECT: SEE BELOW

DATE: May 26, 2005

COUNCIL DISTRICT: Citywide
SNI AREAS: All

SUBJECT: AN ORDINANCE AMENDING SECTIONS 20.100.1470 AND 20.100.1480 OF THE SAN JOSE MUNICIPAL CODE TO ALLOW SIDEWALK CAFÉ PERMITS IN CONJUNCTION WITH BOTH ALCOHOL SALES AND PUBLIC ENTERTAINMENT.

RECOMMENDATION

The Planning Commission voted 6-0-1 (Commissioner Pham absent) to recommend that the City Council adopt the proposed ordinance amending Title 20, the Zoning Code, of the San Jose Municipal Code to allow sidewalk café permits in conjunction with alcohol sales and public entertainment, with a sunset provision, to be determined by the Council based on the recommendation of the Chief of Police.

BACKGROUND

On May 25, 2005, the Planning Commission held a public hearing to consider the proposed Zoning Code amendment to allow sidewalk café permits in conjunction with alcohol sales and public entertainment.

At the hearing, staff explained the proposed ordinance change, the supplemental staff report, and the sunset provision requested by the Chief of Police.

No one spoke in favor of or in opposition to the proposed Ordinance amendment.

The public hearing was then closed.

Commissioner James asked for clarification whether the proposed ordinance or whether sidewalk café permits issued as a result of the ordinance would sunset after one year. Staff said that both the ordinance and sidewalk café permits would sunset one year after the effective date of the ordinance.

May 26, 2005

SUBJECT: Title 20 amendment to allow sidewalk café permits including alcohol sales in conjunction with entertainment.

Staff clarified that the proposed ordinance could be extended by the City Council after a one-year period. Commissioner Levy asked staff if one year was enough time to judge whether the proposed ordinance change was appropriate, and staff responded affirmatively.

Commissioner Zito indicated that the City Council should consider extending the sunset date to the fall of 2006, to give businesses a chance to fully utilize their sidewalk café permits in the summertime.

Commissioner Platten then moved that the Planning Commission recommend approval of the proposed ordinance to the City Council, and that an appropriate sunset date be determined based on the recommendation of the Chief of Police.

OUTCOMES

The proposed ordinance amendment would allow sidewalk café permits in conjunction with alcohol sales and public entertainment, subject to a sunset provision.

COORDINATION

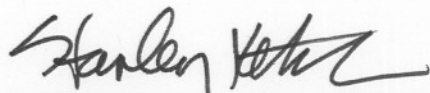
Preparation of the proposed ordinance has been coordinated with the City Attorney's Office, the Redevelopment Agency, and the Police Department. Transmittal of the draft ordinance language is being sent by the City Attorney's Office under separate cover.

PUBLIC OUTREACH

On May 6, 2005, a hearing notice for the proposed ordinance change and for the hearings for the permanent ordinance change was sent to the San Jose Post-Record for publishing. As standard practice, staff posted the staff report and draft ordinance as well as the hearing dates on the Department's website.

CEQA

The proposed ordinance, PP05-099, was found exempt from CEQA per Section 15305.


for STEPHEN M. HAASE, SECRETARY
Planning Commission

